

SPEECH

OF

HON. W. A. RICHARDSON, OF ILLINOIS,

1811 - 1875

ON

THE ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1850.

WASHINGTON:

PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.

1850.

THE UNIVERSITY OF PENNSYLVANIA

THE UNIVERSITY OF PENNSYLVANIA

THE UNIVERSITY OF PENNSYLVANIA

Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

ADMISSION OF CALIFORNIA.

The House being in Committee of the Whole (Mr. BOYD in the chair) on the President's California Message,

Mr. RICHARDSON said:

Mr. CHAIRMAN: At this late period I cannot hope to bring to the discussion of the questions which now engage the attention of the committee and agitate the public mind, any argument or fact that has not been advanced and enforced by those who have preceded me in this debate. I am sensible that I must be content to follow, an humble gleaner in fields which have been reaped by abler hands. Impressed with this conviction, I still hope to aid, in some degree, in satisfactorily adjusting all the questions that disturb the tranquillity and threaten the destruction of the Government. It should be the desire of all, to see the kind and friendly relations and feelings of former times restored, and peace, quiet, and happiness, again blessing every member of our Confederacy.

At this time we could not, by our united action here, destroy this Government, or dissolve this Union. The sun of our political existence will never sink from meridian splendor; its setting will be followed by a lingering twilight. If all who occupy seats in this Chamber were to agree to dissolve this Union, they could not now do it. But, sir, while this is true, if this excitement shall continue—if this agitation shall be kept up until sectional parties can be formed and united—until the South can be arrayed against the North, and the North against the South—until the kindly feeling of one section can be changed to hate against the other section—we may despair of the perpetuity of our Government, and prepare our minds for its certain overthrow. Our wise and patriotic fathers have warned us against the danger of parties thus organized. If we heed their voices, or the warnings of history, we will remove every inducement, every cause for such organizations.

The Executive recommendation to leave the territories we acquired from Mexico as they are, until they are peopled and prepared to come as States into our Union, is the most dangerous and fearful that can be made or devised. If his policy prevails, and is adopted, we put in peril, and expose to danger the most imminent, our national existence; for no one can be so blind as not to see, that parties are being formed sectionally. We hear daily of the North and the South, as though they did not belong to the same Confederacy, with common interest and the same destiny. It is a duty

we owe to ourselves, to our fellow-citizens in the territories, to the memory of the past, and the hopes of the future, to settle, and at once, the exciting questions which now so fearfully convulse the public mind. If we would avoid dangers, we must perform our duty without delay. The longer these things are deferred, the more difficult they are to adjust; for who is there that does not know, that they could have been easier settled a year ago than now? and who, I will ask, that does not believe that they can be easier settled now than they will be a year hence? And if so, does not every consideration of duty and policy require us to do it now?

But, sir, before I proceed to the discussion of the question now under consideration, I desire to make a single remark in relation to slavery in the States. If it was an open question, and Congress had unrestricted power to dispose of it, I do not know what we could do with it, but leave it precisely as we find it. The negro and the white races can never live upon terms of equality when their numbers are near the same. If the negroes of the slave States were freed and left with the whites, the one or the other of these races would be exterminated. The history of the past proves this. Fortunately, the Constitution relieves us from this responsibility; and if it is true that slavery as it exists in the States is "a curse," the people of the non-slaveholding States are not responsible for its sin. If it is "a blessing," its enjoyment is guaranteed to those who have it. We are not responsible for it, morally or politically. The question of the extension of slavery is widely different. But, sir, I pass from this subject to the others, which are directly before us, for consideration and action. At the last session of Congress, my colleague, [Mr. DOUGLAS,] of the Senate, brought forward his proposition to give State governments to California and New Mexico, and to him belongs the credit or the odium of the proposition for he first proposed State governments. It was then thought this measure would be acceptable to a majority of both branches of Congress, and that it would forever settle this question. The measure, however, never passed the Senate. Subsequent to the introduction of the proposition in the Senate by my colleague, and at the last session of Congress, a Representative from the State of Virginia, (Mr. Preston,) the present Secretary of the Navy, introduced a similar proposition in this House. It was proposed, and failed by eight or ten votes in committee, and was not again presented. It was sustained and sup-

ported by the following gentlemen from the non-slaveholding States: Messrs. Leffler, of Iowa; Ficklin, McClernand, and Richardson, of Illinois; Wick, of Indiana; Miller, Sawyer, and Taylor, of Ohio; Charles J. Ingersoll, Brown, Brodhead, Mann, and Butler of Pennsylvania; Murphy, and Birdsall, of New York; and Williams, of Maine; the other voters in its favor were Representatives from the slaveholding States. All the Representatives from the non-slaveholding States are now for the admission of California, and many, very many, from the slaveholding States are understood to be against its admission, and there are some gentlemen now here from the North who denounce all who are not ready and willing to admit California at once, without discussion and without deliberation, as recreants to duty and treacherous to the will of their constituents. These men a year ago denounced all from the North who were for her admission, as doughfaces, as truckling to the South, and all that sort of thing. They believed, or said they believed, that if State bills were then passed, slavery would be established in that country, and based their opposition upon this hypothesis, and no other. I thought differently; and acting upon the principle that it was the right of the people who endure the privations and hardships of settling a country to determine for themselves what their institutions shall be, and regarding this as the principle upon which our Government is based, I supported and voted to admit California as a State; I am for her admission now as she is. I am not willing, however, that these new converts shall dragoon me as to how and when I shall vote to admit California. They must excuse me if I decline to follow their lead in what they may deem the proper course. New converts, it is said, are always zealous, and their zeal after a while may abate, and after all they may go against the admission of California as a State into this Union. It is my purpose to vote for her admission separately, or as one of a series of measures to settle all the questions that now divide us. There is not, to my mind, any serious obstacle to her admission as a State into the Union.

But, sir, it is said that California should not be admitted, because the wishes of the people there were stifled upon the subject of slavery; and it is gravely said, that the formation of her constitution had been hurried, and the people told that they could not be admitted unless that constitution excluded slavery. The time, sir, has gone by when slavery can be carried and established in new countries. The spirit of the age is against its establishment; and I might say to those who urge this objection, If it is true, as they suppose, that a large and decided majority of the people now in California, or of those who may hereafter go there, are so anxious for slavery, they can still accomplish their purpose by changing their constitution after she is admitted as a State in the Union; and thus a triumphant reply to this objection. But, sir, it is not true that a majority of the people in California are in favor of having slavery among them. The people who are now in California were from the slave and non-slaveholding States—the proportion from the non-slaveholding States are as two to one from the slaveholding States. All who go from the non-slaveholding States are opposed to the establishment of slavery in territory where it does not exist, while a large portion of those

who go from slaveholding States are also opposed to it. And now, sir, I ask if any one could reasonably have expected any other or different result than the one which has occurred? But again, sir; the slaveholder is not, as a general thing, the pioneer to settlement; and if all the people who are in California were from the slave States, unless a majority of them were slaveholders, they would not have tolerated slavery by their laws. And, sir, for this reason: the miner, without a slave or dollar, would have the same voice and equal political power with the wealthy and the slaveholder, and he would never consent to bring slave labor in competition with his own. But it is said that this agitation has prevented the slaveholder from going with his property to California, and therefore she should be remanded back to a territorial condition, for some definite period, till all the people of all the States could have an equal opportunity to settle there. I deny that one single person has been deterred from going to California in consequence of agitation. Other causes, as I have shown, determined the character of that government. Why, it has been but a short time since we were told by the Free Soiler and Abolitionist, that the passage of the Wilmot proviso alone could prevent the establishment of slavery in all the territory we acquired from Mexico. Now they say agitation was sufficient. If this is true, why is it that the Free Soilers did not vote for the State bills a year ago? and how great is their responsibility to the cause of truth and justice, when they, and they alone, defeated those bills, which would have made that whole country forever free, and have honorably and satisfactorily settled this whole controversy, doing justice to all, discharging a duty to the people in that distant country, and leaving no cause of discontent to any portion of the people of this glorious Union. I ask them to give some good reason, or any reason, for their course, consistent with their professions now. They say that all they want is to exclude slavery from the territories. They say agitation does it, and that agitation has excluded slavery from California; and if so, why did they oppose the bills proposed by Mr. Douglas and Mr. Preston?

It is assumed in the discussion here, that the passage of the Wilmot proviso by Congress excludes the people of the slave States from settlement in territories that belong to the people of all the States. This is assumption—nothing more. The ordinance of 1787 was passed before any considerable settlement was made in the territory to which it applied. I affirm that a majority of the people of the Northwest Territory were from the slaveholding States. Ohio was settled by emigrants from Virginia, and her constitution was the work, and its adoption made by people from slave States; and Indiana was settled by people from slave States, and her constitution was adopted by people from those States, many of them slaveholders.

The first immigrants to Illinois were exclusively from the southern States. They found there French settlements owning slaves; and many of the early immigrants carried with them slaves. Slavery was tried, and excluded by the people when they formed the constitution for Illinois. It was not suitable to their wants, and this kind of labor was not profitable. The wisdom of that decision is fully vindicated by experience, and every citizen of that State rejoices that it was done.

I have sought in vain to hear some reason for the passage of the Wilmot proviso. There is a necessity to abolish or prohibit slavery in territories where it exists. With this view the ordinance of 1787 was passed. It had application to territory where slavery did exist, by operation of the laws of Virginia, to which the Northwestern territory belonged. The Missouri compromise also abolished slavery north of $36^{\circ} 30'$. That compromise was passed, not to keep the territory free north of that latitude, but because the laws of Louisiana, when we acquired it, recognized slavery, and carried it, consequently, unless repealed, to all the territory. But I maintain, sir, that slavery is the creature of municipal law, and does not and cannot exist one moment without it. If territory is free, there is no necessity to pass any law—it will remain so.

The people of the non-slaveholding States believe that the territory we acquired from Mexico by the treaty of peace, brought with it the laws not inconsistent with our Constitution, and that those laws excluded slavery. If there is any Representative from the non-slaveholding States that denies either of these propositions, I ask him to rise in his place and say so. There are none who can or dare deny it.

This is a universal sentiment at the North, and I might refer to all the speeches that have been made at this session of Congress and the last, to show that every one from the non-slaveholding States, Free Soilers and all, hold that the territories are now free. If this is true, what more can you do? They are free now and will ever remain so; they are free by the law of nations, they are free by the laws of nature, they will remain free, from causes to which I have already referred, forever. This should satisfy all, in my judgment, who are opposed to the extension of slavery. The position is so unanswerable, that the distinguished Senator from Kentucky, Mr. CLAY, says it is "incontestable truth."

Why, then, I ask, is this proviso urged with so much zeal and pertinacity? It can do no possible good, and its passage may disturb the harmonious relations of the people of this Confederacy, and overthrow the proudest fabric that God has ever permitted man to erect.

The Representatives from the slaveholding States maintain, that wherever our flag floats over territory of the United States, and not within the limits of a sovereign State, the Constitution carries and protects slavery. If this is true, any law passed by Congress impairing a right thus secured, is null and void, and the proviso, agitated or passed, is powerless and harmless. I hear gentlemen, after urging this constitutional right, with astonishment declare that they and their constituents are outraged and wronged by this invasion from the North. If this right exists by the Constitution, it will be as valid after the passage of the Wilmot proviso, or any other proviso, as it is now or ever was. But they say, the people of the South will be deterred from going with their slaves to the territories, by the passage by Congress of the proviso. One of two inferences is irresistible—they are satisfied this constitutional guarantee does not exist, or the people are not desirous of going into the territories with their slaves.

I do not, and cannot believe, that our Constitution carries and protects slavery, except in States,

nor do I believe that its framers intended that it should extend this institution. I believe it was formed for far higher and nobler purposes. It was formed to preserve forever a union of these States, to guard and protect each and every citizen, whose lot might be cast in it, in his person and property and conscience. With these conflicting opinions North and South, the question naturally arises, what can be done to restore that harmony and good feeling which should always characterize citizens of the same country? I reply, admit California as a State in the Union with the boundaries as the people have fixed them; pass a bill for a territorial government for the residue of the country, saying not one word about slavery; leave the people who go, when they shall apply for admission, to determine for themselves what their institution shall be; come to the Democratic policy, the policy of that party which has carried this Government gloriously and triumphantly through all the difficulties and dangers that have threatened it in times gone by—the party whose policy has caused our flag to be borne

"As far as the billow can bear the foam,"
and that flag to be honored and respected wherever on earth the breeze of heaven unfurls it.

There is, I regret to say, a willingness upon the part of the Democrats of the North to see this proviso passed, that General Taylor may be compelled to show to the world, and "the rest of mankind," who was cheated in the last presidential election—whether it was his friends North or South. They know that a fraud was practiced upon the one or the other. They know that in the South, General Taylor was represented as all that any one in favor of slavery extension could desire—that he was bound to southern institutions by two hundred bonds. At the North, it was said that he was for confining slavery to its present limits. One or the other was cheated. But I submit to my northern friends, if the peace and harmony of twenty millions of people, and the perpetuity of our free institutions, is not of more importance than the exposure of this bad faith upon the part of an Administration that, if let alone, will fall by its own weight? The public voice everywhere indicates its certain and inevitable overthrow.

In times past our policy sooner or later has prevailed, and we should stand firm, however dark the hour, encouraged by former success. We should not be driven from our positions because our opponents have to come to them for safety. I might ask them if they are to be driven from their firm and stern opposition to a United States bank, because those who once thought that certain ruin would lay waste the land unless such an institution was incorporated, have changed their opinions and stand with us in opposition? Are they willing to be driven in opposition to the independent treasury, because those who once opposed now support it? Are you to be driven from all the past, now triumphantly vindicated, because opposition has ceased? We should stand firm in the support of right, truth, the Constitution of our country, no matter who shall come to their support, or desert; stand by them to the last, and if they fall let us perish with them. We should never serve the existence of this Government.

There is one thing that I wish, in this connection, Mr. Chairman, to say to the gentlemen from

the South, and the northern Whigs: If the bill for territorial governments, silent upon the subject of slavery, shall be defeated, then I am for bills with the Wilmost proviso, in order to give governments to the people in the territories; and I speak for four of my colleagues, assured that they will feel constrained to pursue a like course. And if General Taylor shall approve the proviso, then it will have passed; and it is for them to determine what shall or shall not be done, and let the responsibility rest with them. I believe Congress has full power to pass such laws as they may think proper for the government of the territories. There is, consequently, no constitutional difficulties in my road. I have held and believe that it was inexpedient to legislate in relation to slavery in the territories; and I say to those now here, that if they defeat bills for the territories, saying nothing about slavery, bills will pass Congress with the proviso, and Gen. Taylor must either approve or veto them. It is for them to make their election. For I assure them, that our constituents demand of us to give governments to the people in the territory acquired from Mexico. The gentleman from Virginia [Mr. MILLSON] says:

"Sir, I cannot but suspect that our opponents, however they may assail these conclusions, are really aware of their force and justice. If they are not, why did they oppose the adoption of the bill, generally known as the *compromise bill*, which was introduced into the Senate by Mr. Clayton, and after it had passed that body, was defeated in the House, almost exclusively by the northern vote? That bill conferred no privilege upon us; we demanded none. It did not propose to establish slavery in this territory; we asked no such thing. Its object was to submit our existing rights to the adjudication of the courts of law; to leave things as it found them; to retain such rights as, under the Constitution, we now possess; not to confer any that we do not now enjoy. The North would not consent to this."

Now, sir, what are the facts in relation to the so-called Clayton compromise? It is true it passed the Senate. When it came to this House, Mr. STEPHENS, a Representative from Georgia, moved to lay it upon the table; the motion prevailed by seven majority—twenty-one northern Democrats voting against the motion, and eight southern Whigs for it. They are responsible for its defeat, for the measure was defeated under the lead of a southern gentleman of great ability and commanding talents, and influence. The whole North are not responsible for its defeat. I have referred to this, sir, to correct the impression which the gentleman from Virginia may create by his general and sweeping declaration, and that truth may be vindicated. I entirely concur, however, in the remark of the gentleman, that this was a fair and proper bill, and if it had passed Congress, all the difficulties which surround us now, would have been avoided. I regret that it did not pass.

But, sir, before I proceed to the consideration of the other subjects, I wish to refer, for a single moment, to a remark made by the gentleman from Ohio, [Mr. ROOT.] He says that if the proviso is defeated by northern votes, that all, as I understood him, who fail to vote for it, will find political graves. Political graves are more often found than sought, I am aware, sir; but I do think the gentleman is mistaken. I believe the northern people are patriotic and intelligent. I do not believe they require their Representatives to support useless measures, especially when those measures are regarded as annoying and disrespectful to other portions of this Confederacy. The mass of

the northern people believe that this proviso is useless and unnecessary; that it can do no good, but may do much harm. They know it was thrown in as a fire-brand, to distract and divide the deliberations of Congress when our country was engaged in a foreign war. They know it has kept the country in commotion since the war has closed. And, sir, the people are willing, as I believe, to see this proviso laid in the same grave with the proposed Nashville Convention, from which it is to be hoped they may never rise again to distract our peace, or threaten the stability of our institutions.

But, sir, my time is fast passing away, and I must pass on. Intimately connected with our action upon New Mexico is another subject, involving a serious and perplexing question in relation to the proper boundary of a sovereign State. While I am fully satisfied that Texas has had a clear and indisputable title to the lower Rio Grande, my opinion has been that that title did not extend to the head of that river, but only to the point where the highlands commence—a short distance above the Presidio of the Rio Grande. I am not inclined to raise objections on this account which may defeat measures so necessary to be acted upon. I find I have only time to give conclusions, not to assign reasons for those conclusions; and I must content myself, therefore, with this brief statement in relation to the claim of Texas, and the course which I shall pursue upon this point.

The next measure, sir, is the recapture of fugitive slaves. I acknowledge the clause in the Constitution of the United States upon this subject, as binding upon me as any other in that instrument; and it is as much our duty North to obey this as any other. Sir, I have no wish to acknowledge its binding effect, and say that while I do that, I will do no more. The gentleman from Ohio [Mr. GIDDINGS] says that he stands by the Constitution in this as in everything else, but he says "he will feed the hungry, clothe the naked, and point man the road to liberty." There is no mistaking the meaning.

"Keep the word of promise to the ear,
And break it to the hope."

The State which I have the honor in part to represent has never interposed obstacles in the way of the recovery by the master of his slave. For any fair and proper bill to enable the master to recover his slave I am prepared to vote.

The next and last subject to which I wish to refer, is the District of Columbia. The only legislation required here touching slavery, in my judgment, is such as will prevent this from being the slave market for the slave States which lie convenient to the District. There is not a slave State in the Union that would permit her neighbor to bring slaves in her limits to be sold to another neighbor. The slave trade is not tolerated by a single State in this Union. Its practice is as abhorrent to the people of the slave States as the free. Give, then, to this District just such laws as Maryland or Virginia has upon this subject, and I shall be content. There is no disposition, so far as I know, among any considerable portion of the northern people, to abolish slavery here. Pass the necessary law of which I have spoken, and I believe you will hear no more about slavery here, especially if the questions in relation to the territories are adjusted and settled.

I am admonished by the time I have already consumed to bring my remarks to a conclusion. We have been told, that if we would make this Union perpetual, we should so alter the Constitution as to keep up a balance of power between the slaveholding and non-slaveholding States. If our Government can be preserved only by these means, its days are numbered, and its fragments must be mingled with the ruins of other Republics upon the highway of nations. Be assured that thirteen millions of people will never consent that they shall have no more political influence and power than seven millions. It would dishonor them, and make them unworthy the appellation of freemen. They would, indeed, be the degenerate sons of illustrious sires. If the slaveholding States are to have a balance of power, why should not the

Atlantic States demand a balance of power ALSO? and why should they not be equal to the States west of the Alleghany mountains? We are told that the slave States were once equal in influence and power to the non-slaveholding States. The Atlantic States planned and won the Revolution. They laid the structure upon which this proud edifice was erected, affording protection, and securing man's right to millions. They once had all the political power. Empire and political power will soon pass from them to return no more.

Preserve the Constitution as it is, untouched and unimpaired; carry it out in the spirit in which it was formed; transmit it to our children as we received it—it is the richest legacy we can bequeath them. God grant that it may be transmitted from generation to generation, until time itself shall be no more.

